

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 23-24724-CIV-ALTONAGA/Reid

ENRIQUE ALVEAR,

Plaintiff,

v.

MOISES BAKERY OF MIAMI, INC.,

Defendant.

ORDER

THIS CAUSE came before the Court on Plaintiff Enrique Alvear's Motion for Default Final Judgment [ECF No. 10]. The Court has carefully considered the Motion, the record, and applicable law. For the reasons set forth in the Order [ECF No. 12] granting the Motion, it is

ORDERED AND ADJUDGED that judgment is entered in favor of Plaintiff Enrique Alvear against Defendant Moises Bakery of Miami, Inc. as follows:

1. The Court declares and finds that Defendant's website, <https://moisesbakery.com> (the "Website"), which acts as a critical point of sale and ordering for Defendant's food and beverage products, as well as its baked goods, that are made in and available for purchase in, from, and through Defendant's physical bakeries/restaurants, contains access barriers and is not fully and equally accessible to blind and visually disabled users such as Plaintiff, in violation of Title III of the Americans with Disabilities Act, 42 U.S.C. §§ 12181–12189.


2. Within six (6) months of the date of this Order, Defendant shall not deny any individuals with disabilities, including Plaintiff, the opportunity to access, participate in, and benefit from the goods, services, facilities, privileges, advantages, programs, activities, and accommodations provided through the Website. The Website must be accessible by individuals with disabilities who use computers, laptops, tablets, and smart phones.

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3. Within six (6) months of the date of this Order, Defendant shall not provide individuals with disabilities, including Plaintiff, an unequal opportunity to access, participate in, and benefit from the goods, services, facilities, privileges, advantages, programs, activities, and accommodations provided through the Website. The Website must be accessible by individuals with disabilities who use computers, laptops, tablets, and smart phones.

4. If Plaintiff believes this Injunction has been violated, he shall give written notice (including reasonable particulars) to Defendant of such violation. Defendant shall have thirty (30) calendar days from receipt of the written notice to investigate and correct any alleged violations. If Defendant fails to correct the violations, Plaintiff may then seek relief from the Court.

DONE AND ORDERED in Miami, Florida, this 20th day of February, 2024.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record